

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: July 23, 2026

CALENDAR NO. 35,514

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER HARRIS

AN ORDINANCE to establish a conditional use to permit a standard restaurant in an HU-B1 Historic Urban Neighborhood Business District, the CPC Character Preservation Corridor Design Overlay District and the Magazine Street Use Restriction Overlay District, on Square 236, Lot 14 and part of Lot 15, in the Sixth Municipal District, bounded by Magazine Street, Bordeaux Street, Camp Street, and Lyons Street (Municipal Address: 4807 Magazine Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 52/26 was initiated by Mag Oak Management, LLC and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval of the requested conditional use in its report to the City Council dated May 29, 2026, presented in **Zoning Docket Number 52/26**; and

WHEREAS, the changes were deemed necessary and in the best interest of the City of New Orleans and the request was granted approval by the City Council, subject to three (3) provisos, as stated in Motion Number M-26-278 of the Council of the City of New Orleans on July 9, 2026.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,

That a conditional use to permit a standard restaurant in an HU-B1 Historic Urban Neighborhood Business District, the CPC Character Preservation Corridor Design Overlay District and the Magazine Street Use Restriction Overlay District, on Square 236, Lot 14 and part of Lot 15, in the Sixth Municipal District, bounded by Magazine Street, Bordeaux Street, Camp Street, and Lyons Street (Municipal Address: 4807 Magazine Street); is hereby authorized and approved, subject to the following provisos, as specifically set forth herein:

8 **PROVISOS:**

- 9 1. In accordance with **Article 20, Section 20.3.ZZ** of the Comprehensive Zoning Ordinance, the use
10 shall be in accordance with the following use standards:
- 11 a. The restaurant shall submit a security and operation plan, to be reviewed by the Director
12 of Safety and Permits, and all other relevant City agencies, with the following added:
- 13 i. For restaurants with an outdoor component, the plan shall include provisions
14 regarding how the facility will control the sales of alcoholic beverages to ensure
15 consumption on-premises.
- 16 ii. All restaurants serving alcoholic beverages shall provide exterior security
17 cameras.
- 18 b. The restaurant shall submit a noise abatement plan, to be reviewed by the Director of
19 Safety and Permits, and all other relevant City agencies.
- 20 c. If the restaurant contains a brewing or distilling facility on-site, a floor plan indicating the
21 area reserved for brewing or distilling and a description of the facility and capacity. On-
22 site micro-brewing and micro-distillery facilities are only allowed in standard restaurants.
- 23 d. The standard restaurant shall submit a summary of the number and location of places of
24 worship, educational facilities, and parks and playgrounds within three-hundred (300) feet
25 of the proposed location.
- 26 e. Unless otherwise permitted by law, retail sales of packaged alcoholic beverages for
27 consumption off the premises are prohibited.
- 28 f. The restaurant is limited to the following hours of operation. No new customers are
29 permitted after the closing hour, and the restaurant shall be completely shut down,
30 including no staff present on the premises, within two (2) hours of the closing time.
31 Opening hour is for first opening of business to customers.

- i. Sunday through Wednesday: from 6:00 am to 10:00 pm.
 - ii. Thursday through Saturday: from 6:00 am to 12:00 am (midnight).
- g. Hours of operation shall be posted on or near the restaurant entrance visible to the public.
- h. Live entertainment is a separate principal use and subject to separate approval.
- i. If the restaurant use plans an increase in intensity, such as an expansion of floor area or increase in permitted occupancy, the security and operation plans shall be updated and resubmitted for approval. The revised security and operation plan shall be approved prior to the issuance of any permits.
- j. Security and operation plans may be revised by the property owner or person authorized in writing by the owner. New plans shall be resubmitted for approval.
- k. A holding bar is permitted. The holding bar is an accessory use to the principal use of the standard restaurant. The holding bar is an area of the restaurant where alcoholic beverages are prepared and served at the bar. Holding bars are subject to the following:
 - i. A holding bar cannot exceed fifteen percent (15%) of the floor area of the public seating area of the restaurant, up to a maximum area of three hundred (300) square feet, including the service area behind the bar. The calculation of the total public seating area shall include the holding bar area in the calculation. If a portion of the holding bar is used to serve non-alcoholic beverages, such as coffee, that area is included as part of the holding bar area. The holding bar area shall be calculated from the back wall to the front of the bar. If the holding bar is not set against a wall, the area shall be calculated from one bar front to another.
 - ii. The holding bar should be only open to the public while food is being served in the restaurant dining room.
- l. There shall be no cover charge to enter the restaurant.

2. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within one year or failure to request an administrative extension as provided for in **Article 4, Section 4.3.H.2** of the Comprehensive Zoning Ordinance will void the conditional use.

3. The restaurant shall operate in accordance with the definition of a Standard Restaurant as defined in **Article 26, Section 26.6** of the Comprehensive Zoning Ordinance.

SECTION 2. Whoever does anything prohibited by this Ordinance or fails to do anything required to be done by this Ordinance shall be subject to whatever civil liabilities, penalties, or remedies the law prescribes.

SECTION 3. This Ordinance shall have the legal force and effect of authorizing this conditional use after: (1) all proviso(s) listed in Section 1, which impose a one-time obligation have been completely fulfilled and complied with; and (2) all proviso(s) listed in Section 1, which impose a continuing or ongoing obligation have begun to be fulfilled. Fulfillment of a continuing or ongoing obligation is based on the City Planning Commission's approval of the final site plan, which shall be submitted within one year of adoption of this Ordinance by the City Council, unless extended as authorized by the Comprehensive Zoning Ordinance. The Executive Director of the City Planning Commission shall verify that the development plan incorporate all conditions set forth in this Ordinance and shall sign the plan to indicate final plan approval. The final approved plan shall be recorded in the Office of the Clerk of Court for the Parish of Orleans, within 30 days of the date of final approval, and evidence of such recordation shall be submitted to the City Planning Commission. No use or occupancy certificates or permits, other than the building permits needed to fulfill the proviso(s), shall be issued until the final approved plan is recorded and evidence of recordation is submitted to the City Planning Commission. If the development plan is not approved and recorded, within the timeframes provided in the Comprehensive Zoning

15 Ordinance, then this Ordinance shall be null and void with no legal force or binding effect. Furthermore,
16 if the requirements of Article 4, Section 4.3.H.1 of the Comprehensive Zoning Ordinance are not satisfied
17 within the timeframe allotted by Article 4, Sections 4.3.H.1 and 4.3.H.2 of the Comprehensive Zoning
18 Ordinance, the conditional use will expire, and this Ordinance will be null and void. The preceding
19 deadlines may be extended via motion in accordance with the Comprehensive Zoning Ordinance.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:

DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED:

MOTION

NO. M-26-278

CITY HALL: July 9, 2026

BY: COUNCILMEMBER HARRIS

SECONDED BY: COUNCILMEMBER MCCARRON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission's report and recommendation of **approval subject to three (3) provisos**, related to **ZONING DOCKET 52/26**, initiated by Mag Oak Management, LLC, requesting consideration of a conditional use to permit a standard restaurant in an HU-B1 Historic Urban Neighborhood Business District, CPC Character Preservation Corridor Design Overlay District, and the Magazine Street Use Restriction Overlay District, on Square 236, Lot 14 and part of Lot 15, in the Sixth Municipal District, bounded by Magazine Street, Bordeaux Street, Camp Street, and Lyons Street (**Municipal Address: 4807 Magazine Street**), is hereby **APPROVED**.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Clerk of Council is directed to forward copies of this motion to the Law Department, which is directed to prepare an ordinance to effectuate this motion and is granted flexibility to make any changes necessary to achieve the will of the Council as set forth in this motion.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Green, Harris, Hughes, King, McCarron, Morrell, Willard - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY



CLERK OF COUNCIL